1	JOSEPH P. RUSSONIELLO (CABN 44332) United States Attorney
3	BRIAN J. STRETCH (CABN 163973) Chief, Criminal Division
<b>4</b> 5 6	BRIAN C. LEWIS (DCBN 476851) Assistant United States Attorney 450 Golden Gate Ave., Box 36055 San Francisco, California 94102 Telephone: (415) 436-7200
7	Facsimile: (415) 436-7234 E-Mail: brian.lewis@usdoj.gov
8	Attorneys for the United States of America
9	UNITED STATES DISTRICT COURT
10	NORTHERN DISTRICT OF CALIFORNIA
11	SAN FRANCISCO DIVISION
12	
13	UNITED STATES OF AMERICA, ) No. CR 02-40190 CW
14	) CR 04-40176 CW Plaintiff, ) CR 09-0835 CW
15	
16	V.   PROPOSED ORDER EXCLUDING   TIME FROM MAY 3, 2010 TO MAY 17,   JOHN BENNETT CULLUM,   2010
17	Defendant.
18	
19	The parties appeared before the Honorable Donna M. Ryu on April 5, 2010 for a status
20	hearing, whereupon this matter was continued to May 3, 2010 for a further status. In lieu of the
21	May 3, 2010 appearance, with the agreement of counsel for both parties and the defendant, the
22	parties now stipulate and ask the Court to find and hold as follows:
23	1. The status hearing set for May 3, 2010 shall be rescheduled to May 17, 2010.
24	2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
25	§ 3161, from May 3, 2010 to May 17, 2010. Failure to grant the requested continuance would
26	unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
27	into account the exercise of due diligence and the need for counsel to investigate certain defenses
28	and potential mitigating circumstances.
	ORDER EXCLUDING TIME CR 09-835 CW

## Case 4:02-cr-40190-CW Document 122 Filed 05/03/10 Page 2 of 2

1	3. Given these circumstances, the Court finds that the ends of justice served by excluding
2	the period from May 3, 2010 to May 17, 2010, outweigh the best interest of the public and the
3	defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).
4	4. Accordingly, and with the consent of the defendant, the Court orders that the period
5	from May 3, 2010 to May 17, 2010, be excluded from Speedy Trial Act calculations under 18
6	U.S.C. § 3161(h)(7)(A) & (B)(iv).
7	
8	IT IS SO STIPULATED.
9	
10	DATED: April 30, 2010  /s/  JOHN PAUL REICHMUTH
11	Counsel for John Bennett Cullum
12	
13	DATED: April 30, 2010  /s/ BRIAN C. LEWIS
14	Assistant United States Attorney
15	TS DISTRIC
16	IT IS SO ORDERED.
17	GRANTED
18	Typing Ryu &
19	DATED: 5/3/2010  Z Judge Donna M. Ryu Z Judge Donna M. Ryu Z Judge Donna M. RYU Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z
20	United States Magistrate Judge
21	
22	
23	
24	
25	
26	
27	
28	

ORDER EXCLUDING TIME CR 09-835 CW